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New Actions on Alleged Nazi War Criminals Expected

By HOWARD BLUM

Special to The New York Times

The controversy surrounding the Federal Government's continuing investigation of 147 alleged Nazi war criminals living in this country will receive new focus this month with several developments in Congress.

Among these developments, which are coming after years of delay in many cases, are the following:

• The House is expected to approve a \$2 million appropriation for a Nazi War Crime Litigation Unit, which has begun to work but does not yet have a full staff.

• The House Judiciary Committee's subcommittee on immigration will convene special hearings at which it plans to ask the Central Intelligence Agency, the Federal Bureau of Investigation and the Department of Defense to produce files detailing the agencies' associations with alleged Nazi war criminals. The chairman, Representative Joshua Eilberg of Pennsylvania, may extend these hearings into a full-scale investigation of why the Immigration and Naturalization Service did not act on some of the cases for more than 30 years.

• The House Judiciary Committee is expected to vote Tuesday on a bill introduced by Rep. Elizabeth Holtzman, Democrat of Brooklyn, that for the first time would officially bar from the country and make liable for deportation all aliens known to have persecuted others because of race, religion or national origin. The bill, which is also supported by the Immigration and Naturalization Service, a Justice Department agency, has been delayed for two and a half years in committee.

The Justice Department is currently prosecuting 12 war crimes cases and plans to present an additional eight indictments to grant juries by August. Representative Holtzman points out, however, that "the Government has been involved in the prosecuting of

some of these cases for at least a decade."

In the 33 years since the end of World War II, only one war criminal, Mrs. Hermine Braunsteiner Ryan of Queens, has been sent back to Germany to stand trial.

"The existence of individuals accused of being Nazi war criminals still living freely in this country," said Representative Holtzman, "is a very sordid chapter in the history of our country. What is needed most of all is means to bring these cases into the courtroom."

The anticipated appropriation for the Nazi War Crime Litigation Unit is an attempt, according to a committee report to create "a concerted effort by I.N.S. to bring these cases to a final conclusion as quickly as possible."

"Prior to the formation of this special

unit," said David W. Crosland, counsel to the I.N.S., "there was no coordinated effort to handle these cases. Investigations were handled by lawyers with varying degrees of competence and there was too much diffusion of responsibility so that often cases just were not followed up on."

The special unit now consists of four lawyers and two paralegals, and there are plans to hire three investigators. It is headed by Martin Mendelsohn, a 35-year-old lawyer who was hired by Mr. Crosland from private practice.

Mr. Mendelsohn, who described his role as "the official Nazi hunter for the U.S. Government," plans to interview witnesses in the Soviet Union before the end of this year. Previously, the State Department, despite the apparent willingness at the Soviet Gov-

ernment, had prohibited Federal investigators from interviewing witnesses in Communist countries.

Representative Holtzman, however, said she was disturbed by the delays in setting up this unit. "The Justice Department announced in August 1977 that they will set up a special Nazi unit," she said, "and it wasn't until October that Mendelsohn was on the job and it wasn't until May 1 of this year that the fourth lawyer began work. And still they haven't hired any investigators."

"I don't like the way the Federal bureaucracy works," Mr. Crosland said, "but it's just a fact of life we have to deal with. We wanted to staff the unit as quickly as possible, but we also wanted to hire the best people and that takes time. And as soon as Mr. Mendelsohn began last October he had to start trying cases in the courtroom so he just did not have the time to conduct interviews."

Sources for C.I.A.

Another result of past Congressional criticism of the immigration service was a recent General Accounting Office report that found that the C.I.A. had used 21 alleged Nazi war criminals as "sources of information," paying seven of them, and that as recently as 1972 the F.B.I. had a "confidential relationship" with two alleged war criminals but had not paid them.

Additionally, while the report concluded that "it appears that the I.N.S. was not involved in a deliberate effort to suppress information," it said the service had failed to investigate half of the cases in which it had received allegations before 1973.

Despite its findings, the report has been criticized by the man who requested it, Representative Eilberg. "The report doesn't give us answers," he said. "It doesn't name names. It just raises more questions" month, Representative Eilberg plans to demand the entire case files of

The Second Trial of Hermine Ryan

Five years after her extradition, Hermine Braunsteiner Ryan, the only person ever sent from this country to Germany to stand trial as a war criminal, is appearing before a court along with 13 other defendants in Düsseldorf, West Germany.

Mrs. Ryan, 59, an Austrian-born woman who migrated to Canada in 1958, married an American and settled in Queens until she was extradited in 1973.

Her trial in New York was characterized by the attorney and investigator for the Immigration and Naturalization Service assigned to the case as "filled with irregularities." Anthony J. DeVito, the investigator, who has since retired from the service, has charged that witnesses were harassed and files stolen. He also reported that his wife received threats.

Survivors of the Maidanek concentration camp in Poland had testified at

the trial that Mrs. Ryan, as an SS prison guard had whipped five women and a child to death at the camp.

The trial in Düsseldorf, now in its third year, has been criticized by Simon Wiesenthal, the Austrian Nazi hunter who was instrumental in bringing Mrs. Ryan to the attention of the United States immigration authorities.

"What's going on in Düsseldorf," Mr. Wiesenthal has been quoted as saying, "is a circus."

"A lawyer needs to defend his clients but not to abuse people. The lawyers are talking to witnesses as though they were criminals. After a Polish lawyer told the court how defendants ordered her to bring the gas, defense lawyers asked the judge to charge her as an accomplice."

While the trial continues, Mrs. Ryan, freed on bail, lives in a small apartment near the courthouse. A verdict is not expected for at least another year.

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Associated Press

Hermine Braunsteiner Ryan and her lawyer, Hans Mundorf, in Düsseldorf, West Germany, last November, at her trial for war crimes in Poland.

accused Nazis associated with the F.B.I. and C.I.A.

The C.I.A., according to a spokesman, has not decided whether it will comply with the subcommittee request for complete files. According to sources close to the special litigation unit, the F.B.I. has refused to provide Federal attorneys with information to assist in the prosecution of current cases. The bureau would not comment on the matter.

Among the Government's 12 current cases, all of which have come under Mr. Mendelsohn's supervision, are those of Frank Walus of Chicago, whose citizenship was ordered revoked last month, and Feodor Federenko, who is currently undergoing denaturalization proceedings in Fort Lauderdale,

Fla. Mr. Walus allegedly executed Jews in Poland. Mr. Federenko, whose trial ended yesterday, is accused of torturing and killing Jews as a concentration camp guard. A verdict is expected in a few weeks.

In a Manhattan case, deportation proceedings against Boleslavs Maikovskis have been interrupted pending the appeal of his claim that he denied the right to plead the Fifth Amendment in response to all questions.

Suspected war criminals cannot be tried in this country for war crimes. They can only lose their citizenship and then, in separate proceedings, be deported.

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